

ORDINANCE NO. 300

AN ORDINANCE PROVIDING FOR THE GENERAL PLAN OF CONSTRUCTING SIDEWALKS AND CURBS IN THE TOWN OF STAYTON; SPECIFYING THE KIND OF SIDEWALKS AND CURBS TO BE BUILT; THE WIDTH AND LOCATION THEREOF, THE MATERIAL TO BE USED AND THE SPECIFICATIONS FOR THE CONSTRUCTION THEREOF; PROVIDING FOR THE CONSTRUCTION, REPAIR, AND CLEANING OF SIDEWALKS IN THE TOWN OF STAYTON AT THE EXPENSE OF THE OWNERS OF PROPERTY ADJACENT TO AND ABUTTING UPON SUCH SIDEWALKS; PROVIDING FOR THE METHOD OF CHARGING THE COST THEREOF AGAINST THE OWNER OF THE PREMISES; PROVIDING THE METHOD OF NOTICE TO SAID OWNERS OR OCCUPANTS; PROVIDING FOR THE SECURING OF A PERMIT TO CONSTRUCT SIDEWALKS; PROVIDING FOR THE CONSTRUCTION OF SIDEWALKS AND CURBS UPON OFFICIAL GRADES; FIXING THE DIMENSIONS OF CURBS; ESTABLISHING CURB LINES ON CERTAIN WIDTH STREETS; PRESCRIBING PENALTIES FOR VIOLATION OF THE TERMS OF THIS ORDINANCE; AND REPEALING ORDINANCES NOS. 128 AND 135.

The Town of Stayton do ordain as follows:

Section 1. All sidewalks hereafter constructed or relaid within the corporate limits of the Town of Stayton shall be at least four feet wide except as follows:

On Third Street from Water Street to the Salem Ditch shall be at least nine feet wide.

On Second Street from Water Street to the Salem Ditch shall be at least nine feet wide.

On Water Street, Florence Street, Ida Street, and High Street between Second and Third Streets shall be at least nine feet wide.

Section 2. Curb dimensions shall be as follows: The curb shall extend at least eight (8) inches into the ground from the ground level after the street has been graded, six (6) inches wide at the top and have a slope on the front of one (1) inch in six (6) inches, perpendicular on the back side. All curbs within the Town of Stayton shall conform to the official street grades, and shall be uniform as to material, dimensions and distance from property lines along which they are built. On all streets 60 feet wide, or over, the outer edge of curbing shall be 10 feet from the property line. On all streets less than 60 feet in width and not less than 40 feet in width, the outer edge of the curbing shall be 8 feet from the property line. On all streets less than 40 feet in width, the outer edge of the curbing shall be such distance from the property as the council from time to time shall direct; provided, ~~nothing in this section shall be construed to require the curb lines to be altered or changed on streets~~ where the same have been permanently improved at the expense of the adjacent and abutting property, unless by special order from the council, and providing further that nothing in this section or in this ordinance shall be construed to preclude the council, in case of permanent street improvement, from providing a different method and manner of constructing curb lines along such proposed improvement.)

Section 3. On any side of any street on which concrete sidewalks already exist, the pattern established by the existing sidewalks, concerning the location of the sidewalk in relation to the curb and owner's property line, shall determine the location for all sidewalks on the side of the street concerned. No deviation is to be made from established patterns without special permission of the city council. On any side of any street where no pattern has been set by existing sidewalks, no sidewalk is to be constructed until the city council has rendered a decision on whether the walk is to be built next to the curb or next to the owner's property line.

Section 4. The sidewalk shall have fall of 1/4 inch per foot from the property line toward the curb line, and shall be at least 3 5/8 inches minimum thickness.

Section 5. All sidewalks shall be divided into square blocks of no greater dimensions than seven feet, by joints running across the walk at right angles to their length. Expansion joints shall be placed along the sidewalk at points not greater than fifty feet. The joints shall be made by means of a prepared bituminous felt material 1/4 inch thick. The bituminous felt shall be cut to the exact cross-section of the sidewalk and shall be flush with the top surface and edges of the walk. A rectangular piece of sheet steel shall be used for backing for the bituminous felt, and held in place by iron pins until concrete is placed on both sides of the joint. The joints shall be properly finished on both sides of the expansion material.

Section 6. A water meter box for each residence or business building is to be installed in any curb sidewalk at the time the sidewalk is constructed. The water meter box is to be furnished to the property owner by the Town of Stayton at the property owner's expense.

Section 7. The concrete mix for sidewalks and curbs shall be such that twenty-five hundred pound concrete is obtained; approximately one part cement, two parts sand, and four parts washed concrete gravel. (Approximately five sack ready-mix concrete is required to meet the twenty-five hundred pound strength of concrete requirement).

Section 8. During the seventy-two hour period following the placing of concrete, it shall be protected against premature curing with burlap mats frequently sprinkled with water, sawdust frequently sprinkled with water, or by other approved curing methods which will protect it from the detrimental action of the sun, wind and rain until thoroughly set.

Section 9. Whenever the council of the Town of Stayton shall deem it expedient and necessary that any new sidewalk shall be constructed within the Town of Stayton, the council shall pass a resolution declaring that the construction of such sidewalk is expedient and necessary and describe in said resolution with convenient certainty the location thereof, the kind of material required to be used in the construction thereof, and the time within which the same shall be completed; provided, that owners of property resident within the Town of Stayton shall be allowed at least 10 days, the owners of property non-resident in the Town of Stayton, shall be allowed at least 20 days within which to complete the construction of any such sidewalk. Said resolution shall provide that such sidewalk is to be constructed at the expense of the adjacent and abutting property or at the general expense of the Town of Stayton.

Section 10. If such sidewalk is to be constructed at the expense of the abutting and adjacent property, a notice containing the substance of the resolution provided for in Section 9 hereof, shall be personally served by the police of the Town of Stayton, Oregon, on each owner of property required to construct such walk, if said property owner is a resident of the Town of Stayton; provided, if such property owner resides out of town, or if a resident owner and cannot with reasonable diligence on the part of the police, be found therein, a notice containing the substance of such resolution shall be posted in a conspicuous place upon said adjacent or abutting property or at some point adjacent to and within plain view of the location of the proposed sidewalk for a period of 10 days. If the address of such non-resident owner of abutting or adjacent property is known or can with reasonable diligence on the part of the police be ascertained, a copy of such notice shall be mailed, postage prepaid, to such non-resident owner and such posting and mailing of notice shall be deemed equivalent to personal service.

Section 11. In all cases of failure of any owner or owners of such property to construct such sidewalk according to said resolution, after notice, as herein provided, the council may advertize by one insertion in a weekly newspaper for bids for the construction of such walk and may cause a contract to be entered into for the construction thereof by the lowest bidder; or the

council may order and direct the same to be constructed by the street commissioner by day labor in a summary manner.

Upon the completion of any such sidewalks the council shall by ordinance assess upon each lot or parcel of land liable therefor, its proportionate share of such cost and shall order and direct such assessments to be entered in the docket of town liens and make the same a lien upon each lot or part thereof, or parcel of land liable for the cost of construction of such walk.

Section 12. Each lot or part thereof, or parcel of land shall be liable for the full cost of the construction of such sidewalk in front of and abutting upon it, extending to the curb lines, and provided, further, that if such assessment is not paid after notice thereof, the council may proceed to levy upon such lot or part thereof, or parcel of land, liable for such assessment, and cause the lien thereof to be satisfied by execution and sale, in the manner provided by the charter of the Town of Stayton for the collection of delinquent assessments for the improvement of streets. *Aut?*

Section 13. All sidewalks constructed in the Town of Stayton shall be laid on the official grade, unless specially ordered otherwise by the council, and all sidewalks shall meet the curb flush with the top thereof at all street intersections.

Section 14. Any person or persons desiring to repair sidewalks or construct new sidewalks shall apply to the street commissioner of the Town of Stayton for a permit to build, improve or repair same, describing the location, the kind of material and width of such walk. If such application shall comply with the requirements of this ordinance, it shall be the duty of the said street commissioner to furnish said applicant, without cost or charge, a written permit to build, improve or repair such sidewalk.

Section 15. Before commencing the construction of any walk or curb, the owner or contractor shall obtain from the engineer or street commissioner specifications therefor, also the markings of the correct grade and curb lines. No curb or walk will be permitted to be built that does not conform to both the grade and curb lines where the same have been established, and if no grade or curb lines have been established, then the owner or contractor shall apply to the council to have the same established before such curb or walk is built.

Section 16. It shall be the duty of the street commissioner of the Town of Stayton to require all persons maintaining sidewalks along their property to keep the same clean and in good repair, and in case any sidewalk shall be out of repair or unsafe, it shall be the duty of the street commissioner to serve notice immediately on the owner or owners of such property along which such walk or curb shall be constructed to repair or clean the same as conditions may require, and each property owner shall be liable for the full cost of the repair or cleaning of the sidewalk along the property where the same shall be constructed. Upon the refusal or neglect of any property owner to repair or clean his sidewalk, after notice by the street commissioner, in cases of property owners residing in the city for not less than 10 days, and in cases of property owners residing without the city, for not less than 20 days, the street commissioner shall proceed to repair or clean such sidewalk as the case may require, and report the expenses thereof to the council at the next meeting following, which expenses shall, unless paid by the owner thereof, be made a lien upon the property as in the case of construction of new sidewalks.

Section 17. The owner or contractor as the case may be shall remove all refuse material or rubbish resulting from his operations. He shall not use adjoining property as a dumping ground, nor shall discarded form/material or tools be left in any of the streets or alleys of the town longer than is necessary in the construction of walks or curbs. If not so removed, the street commissioner may remove the same at the expense of the owner or contractor, as the case may be, and the cost of removing any rubbish, material or tools shall constitute a lien against the property, and shall be enforced as other town liens.

Section 18. The engineer or street commissioner shall have supervision over the construction of all curbs and walks mentioned in this ordinance. The engineer or street commissioner shall have power to stop the construction of any walk or curb whenever the person or persons constructing the same shall neglect or refuse to comply with the specifications contained in this ordinance or in his permit, and he shall not allow the construction of any such walk or curb to proceed until the specifications are complied with.

Section 19. Any person, firm, company or corporation violating any of the provisions of this ordinance shall upon conviction thereof before the City Recorder, be subject to a fine of not less than Twenty-five nor more than Two Hundred Dollars (\$200.00), and in default of the payment of any such fine, shall be imprisoned in the city jail one day for each two dollars of such fine.

Section 20. Ordinance No. 128, passed by the council of the Town of Stayton on August 1, 1916, and Ordinance No. 135, passed by the council of the Town of Stayton on September 5, 1916, are hereby repealed.

Section 21. If any part of this ordinance shall be declared unconstitutional or shall be invalidated for any reason, all of the remaining portions shall nevertheless remain in full force and effect.

Passed by the common council this 8 day of September 1958.

Approved by the mayor of the Town of Stayton this 8 day of Sept 1958.



Mayor

ATTEST:



Recorder